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ABSTRACT

To stimulate interest in student's rights and responsibilities, this resource contains incomplete scenarios dealing with the consequences of knowing and not knowing the law, as it is applied to modern practical situations. The scenarios can be used in high school courses such as government, social problems, history, psychology, and business law. In most cases, the authors found the germ of their idea for the scenarios in actual cases or legislation. Some liberties have been taken with plot and situation, but only in terms of adding new dimension and interest. Many of the scenarios have references which may be used for further investigation. Teachers are encouraged to acquire these basic references for their students. Occasionally, no references are given at the end of a scenario. This means that although the situation is fairly typical of recent and current events in American life, no thinking from the courts or an Attorney General has been discovered. Over 25 scenarios are included. Topics vary. Some examples are: right to own and possess property: controversial speaker denied use of high school auditorium; may a student be punished for not saluting the flag?; auto accident; freedom of the student press; a restriction in student dress; arrogant hostility toward school rules; gambling; ruling on a library book; and parent's rights and responsibilities. The resource concludes with a selected glossary of law terms and definitions and a bibliography. (Author/RM)

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Student Rights and Responsibilities Scenarios

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OF SCHOOL DISTRICT ADMINISTRATORS

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JUNE 1977

STUDENT RIGHTS

AND

RESPONSIBILITIES SCENARIOS

Prepared by the WASDA Bicentennial Committee

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Wisconsin Association of School District Administrators

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INTRODUCTION

Student Rights and Responsibilities Scenarios was commissioned as a special public service project of the Wisconsin Association of School District Administrators early in my term as president of the Association. It was perceived as a fitting contribution to the nation's Bicentennial and to be an appropriate commentary on the essential learned characteristics of school administrators. Most important of all, it was intended as a service to Wisconsin schools in reemphasizing the vitality of the United States' Constitution - particularly the Bill of Rights - and other of our basic legal protections, by offering a practical media for showing their present day continuing application to the lives of high school students.

Although we were not able to meet the goal of applicability to the Bicentennial, we do have a viable and workable resource, meeting our other goals, to submit for use by the Wisconsin schools.

We are all indebted to Ludwig A. Petersen, Coordinator of Cooperative Educational Service Agency #3, who, in collaboration with Dr. Melvin Timmons, CESA #3 Curriculum Director Rhinehart Lintonen, Goodman Public Schools, and Philip Fischer of the Suring Public Schools, formed a working unit to develop scenarios and related materials designed to deal with parts of the Constitution, the Bill of Rights and, to a particular extent, the whole issue of student rights. A continuing purpose for this method of learning is to acquaint student populations with civil and criminal law as it relates to school and out-of-school situations. Further intention is that of having students push beyond the resources identified to discover the variances in the law and customs which determine the outcome of legal cases.

In publishing this suggested method of coping with various social and legal problems, WASDA is exhibiting a leadership role in providing flexibility in program thought which can be explosive in nature in relation to classroom accomplishment.

We are all indebted to the secretarial staffs of CESA #3 and WASDA for much of the yeoman work to put this document together. I would reemphasize the appreciation to be extended to Ludwig A. Petersen, who chaired the whole project.

Robert J. Kreuser
President, WASDA, 1975/76

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SUGGESTIONS TO TEACHERS AND STUDENTS IN USING "STUDENT'S RIGHTS AND RESPONSIBILITIES SCENARIOS"

Main Purpose

The incomplete scenarios are designed to awaken an interest in the consequences of knowing and not knowing law, as it is applied in modern practical situations; the consequences of obeying and disobeying rules, regulations, statutes, and court decisions that are functional in our daily lives.

Many of the scenarios are useful in enlivening high school courses such as government, social problems, history, psychology, and business law. Some of the material will be of interest to students elected to "Student Councils" and to sponsors of student councils. Several of the scenario incidents are relevant to responsible student conduct and the necessary actions of school officials and governing bodies.

The quality of "incompleteness" is purposely in the format in order to raise more questions than are immediately answered. In this way, students will be led to some of the references under the supervision of the instructor.

Scenarios with References

Many of the scenarios have references which may be used for further investigation. We encourage administrators and teachers to acquire these few basic references for their students. There is a great need to spark a renewed interest in English and American law, a vital part of our civilization. In most instances, the authors found the germ of their idea for the scenarios in the actual cases or legislation. Some liberties have been taken with plot and situation, but only in terms of adding new dimension and interest. In all instances the names in the scenarios have been fictionalized to protect the identity of real people from exploitation.

Scenarios Without References

Occasionally, no references are given at the end of a scenario. This means that although the situation is fairly typical of recent and current events in American life, no thinking from the courts or an Attorney General has been discovered.

Scenarios "without references" too, are open ended. Teachers may direct students to think in terms of probable outcomes. A variety of concluding circumstances written into the ends of the scenarios is a desirable thing. Here's why! Parallel to this, we note that practically every case going through the courts is different and unique in some way. Cases which are litigated, but do not make it to the higher and superior courts of the states and the nation are usually settled according to the precedents established by earlier cases. Newer succeeding litigations are often very much like the precedent cases. Scholars with an interest in this field are fortunate that we are at a unique point in the developments of judicial law and statutory law; expansions of our liberties is producing a whole new rash of circumstances to be considered. Again, we emphasize that a rich variety of scenarios and scenario endings can contribute much to our understanding of both our law processes and our liberties vs. our responsibilities.

Activities to Further an Interest in Students' Responsibilities as Well as Students' Rights

1. Read and study the federal legislation on the Privacy of Student Records - 1972, and also the State of Wisconsin legislation.
2. Ask to read and study school board adopted policies pertaining to student school records. Ask your guidance counselor or principal to explain how the policies function in practice.
3. Visit meetings of the Student Council as observers of the representative government process. NOTE: Are council representatives dealing with the actual work designated for the council? Does the student council membership

exhibit an awareness in securing student cooperation in living up to student council commitments and obligations?

4. Read and study the school district's policies on student suspensions and expulsions. Are the due process rights protective of the individual? Is the school protected from the disruptive individual? Write to the Wisconsin School Boards Association for a copy of suggested models of policies dealing with suspensions and expulsions. Compare the two policies and evaluate them.

Activities to Further an Interest in School Law in the Secondary Years

1. Select the scenarios involving students, school officials and school boards as a group of situations to explore. Have some students provide endings which they believe are about the same as the way the real incidents turned out. Have students write endings that reflect the way they wish the scenarios had been completed or how the ending could accommodate the way society would benefit most, in their own view.
2. Invite the school board attorney to look over the various ideas, visit class and discuss the cases along with their implications with the class.

Creative Activities

1. Use informal role playing as a technique, allowing students to take the stage in a part. Allow endings to be composed by students. Redevelop the material into script form if necessary, for the role playing sequences.
2. Work with English teacher offering creative writing and ask for a cooperative approach in supervising student completion of scenarios. Develop guidelines for judging the creativeness of talented effort.

RIGHT TO OWN AND POSSESS PROPERTY

Aren Bales was a poor student and was on the failing list for four semesters in a row. Aren had his mind on cars for most of his waking hours but he appeared to have one virtue. He saved enough money from part-time jobs to make a down payment on a new and costly sports car. Aren was not very aware in the area of mathematics, interest rates, state law, and consumer protection agencies.

When economic conditions eliminated many part-time jobs, including Aren's, he was unable to continue making payments regularly on the car he had purchased.

Even though Aren had $2,300 of equity in his sports car, he still owed $1,500. The car agency instituted repossession proceedings. One day the repossession men appeared and drove away with his car. The car agency sold the repossessed car for a loss and claimed that Aren Bales had no claim to any part of his equity due to that loss.

Directions:

From this point, finish the story in a manner that you think is correct, honest and legal. When you have provided a conclusion to this plot, allow your teacher to examine your ending. Join your teacher and classmates in a cooperative analysis of your response against a Frame of Reference which is in the possession of your teacher. It is intended that the Frame of Reference guide be disclosed to you after you have finished the scenario and when you are ready to analyze and discuss the outcome.

Please answer this question outright:

Should Bales get a lawyer to attempt to recover his loss? Why or why not?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. Is there a moral or legal obligation on the part of car dealers to explain the consequences of a lapse in payments?

2. Should the school have offered enough consumer protection information to make Aren aware of his risks?

3. Is it ethical for a car agency to only make a weak effort to sell the car for as much as it is worth?

4. Is there a relationship here to the 14th Amendment of the U. S. Constitution, Section 1?

1. What should one know about signing a contract?

2. Where should straight information on time payments be obtained?

3. What ramifications are present in credit purchasing?

4. Should local officials such as police and the district city attorney be notified? Why?

FARMS OR A HIGHWAY - AN ENVIRONMENTAL DILEMMA

What kind of choice will society make in the dispute over whether or not to build Interstate 43 in the state of Wisconsin?

Environmentalists are deeply disturbed over the utilization of prime farmland, needed to help feed hungry millions, to build a highway, the enhancement of trade and commerce.

Embattled farmers, angry over the eminent domain procedures of the state of Wisconsin to acquire the land, enumerate the disadvantages and unfair treatments visited upon them as the state took over their land. Chief among these are:

1. State appraisers set amounts paid for compensation of land law in proportion to the way land sells on the market.

2. Farmers object to the reduced size of their farm business operations, asserting they now will be uneconomic due to lowered volume.

3. Farmers object to the highway due to the substitution of irregular shapes and angles in fields and corners of fields being far right angled. Such shapes increase the time and costs of future field operations.

4. Farmers object to having farms split into two pieces and the resultant inconvenience of extra miles of driving in reaching the site of work.

5. The agricultural group is objecting too, that their miles of personal driving, as residents of the area traversed by the highway, will be greatly increased in order to reach access interchanges with primary and secondary roads.

A combination of 12 farmers and environmentalists have been arrested and charged with illegal trespassing on state owned land during a protest over construction of the controversial I-43. Their form of protest was to stand in "the way" of the highway construction crews and prevent them from building the road.

The police report disclosed the following facts:

_____

_____

_____

The twelve defendants were ordered to appear in _____ Court.

Additional arguments for stopping the highway related to the environment are:

_____

_____

_____

_____

Other arguments for building the highway are:

_____

_____

_____

_____

Alternate and more equitable solutions for the opposing sides are:

_____

_____

_____

_____

Directions:

From this point, fill in the blanks and finish the scenario utilizing your own imagination and creativity but, attempt to retain the reality of the state's law structure. Allow your teacher to examine your ending and join your teacher and classmates in a cooperative analysis of your response against a Frame of Reference, in the possession of your teacher. It is intended that the Frame of Reference guide be disclosed to you after you have finished the scenario and when you are ready to analyze and discuss the outcome.

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

The state has the power to forceably take private property for public purposes when those purposes are overwhelmingly in the best interest of the larger population. Private property holders are entitled to just compensation for their seized property. The following questions deal with the wisdom of the state's public policy, as well as the justness of the procedural matters:

1. If we have too little productive farm land to adequately feed our own population, will the state and the society regret the present policy and course of action?

2. Will noise pollution and the quality of the air be of increasing concern if the highway is built?

3. Are the cards of the deck stacked in favor of the state through the appraisers and the courts in terms of inadequately compensating farmers for their land losses?

4. Is their an underlying issue; the desire to economically develop Northeast Wisconsin and to facilitate rapid tourist access to that part of the state thus satisfying many business interests there?

Reference:

Wisconsin Statutes 1963 Laws 84.09, Acquisition of Lands and Interest therein.

ECONOMICALLY SITUATED SCENARIOS

Although Bill Sellers was only 18 years old, he had just inherited his grandfather's 80 acre farm. This farm was located on the edge of a state game preserve. Some months later, Bill Sellers was approached by two officials from the Department of Natural Resources with an offer to buy Bill's 80 acres for $200 per acre. The officials explained that the game preserve needed this acreage to give the wild game area adequate size and to provide more regular boundaries, as well as better access to the state owned area. Bill turned down the offer from the two state officials.

Finish the scenarios in any way you please.

Please answer this question outright!

Which "right," mainly was the student relying upon?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. Does your ending recognize the right of Bill to retain ownership of his inherited property unless due process of law is used to prove an over-riding public "interest" in the land, which would justify use of eminent domain to give the state ownership of the property?

   In this situation, what are some duties and responsibilities of Bill as a private citizen?

2. Did your ending chastise the state officials for making an offer to buy Bill Sellers land? If you supported this bargaining step, you are within the democratic tradition. The use of property by a private always must be weighed against the uses government has in mind for all of the people. The state must not use duress on Bill in the informal offers and acceptances. Indeed, it is Bill's responsibility to determine his own personal desires and weigh them against the needs of his many fellow citizens. Our "rights" can best be preserved by exercising responsibility to ourselves as individuals, as well as having a regard for the rights of the public.

3. Did your ending include a court battle between Bill Sellers and the state? No law has been broken in this case. There is merely a difference of opinion as to who needs the land the most, the state or the individual. On whom do you believe the burden of proof rests the heaviest? Is it important for all of the steps in "due process" to be taken?

CONTROVERSIAL SPEAKER DENIED USE OF HIGH SCHOOL AUDITORIUM

Union High School, in a large city, had extracurricular clubs in history and also in controversial issues. The clubs invited a member of the local chapter of the American Civil Liberties Union as a speaker to the clubs' memberships. In making arrangements with the school administration for meeting rooms, it came as a surprise to club members and their sponsors that the A. C. L. U. was banned by the school board from using public school facilities. When students asked for an explanation, they were told the board felt that certain organizations were working against the best interests of the American people and that some organizations were trying to twist and use the constitutional "free speech" guarantees to protect those who are advocates of overthrowing the U. S. Government. Furthermore, the students were told that the school boards list of banned organizations came from lists furnished by the Federal Bureau of Investigation. The students were denied their request to use school facilities for the A. C. L. U. speaker and they were asked to cancel the invitation to their speaker.

Directions:

From this point, finish the scenario in any way you please. When you have provided a conclusion to this plot, allow your teacher to examine your ending for realism. Join your teacher and classmates in a cooperative analysis of your response against a Frame of Reference which is in the possession of your teacher. It is intended that the Frame of Reference guide be disclosed to you after you have finished the scenarios and when you are ready to analyze and discuss the outcome.

Please answer these questions outright:

Which amendments to the U. S. Constitution are inherently involved in the denial of the use of school facilities?

Is there anything sinister about the manner in which the school board compiled information as a basis for formulating public policy?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. Is it a customary thing for public meetings to be held on school property? What do the laws of Wisconsin have to say about this?

2. Is an official body, such as a school board, regulating what the public may hear and know if they rent or levy a charge for the use of public facilities? What if the organization cannot afford to pay?

3. Do you feel that permitting a person to air views contrary to your own, in facilities under your control, is the same thing as sanctioning those views?

4. Is the true test of a republican form of government the ability of the people to tolerate a diversity of ideas? Will the best ideas win out in the market place of ideas?

References

Wisconsin Statutes 1974, 120.13 Board Powers Section 20 and 21.

Rights and Freedoms of Public School Students: Directions from the 1960's No. 2 NOLPE Monograph Series - Dale Saddy. Page 9-11 II Philosophical and Judicial Bases Freedom of Expression.

1976 Yearbook of School Law 2.9a Statutes affecting the use of school property.

MILITARY DISCIPLINE, LOYALTY, DEMOCRACY AND YOU

A revival of the military draft was decided upon, and this decision affected the lives of tens of thousands of the nation's young men and women.

You live in a Middle Western city where there were few pacifists. You are a Presbyterian, but you took steps to withdraw from that church. You are an "independent religious objector"; your objective is based not upon membership in a pacifist sect but upon individual religious conviction.

You adopted the policy of obeying the orders of the government as far as you could - that is, to the point where some actual violation of your conscience was demanded. Thus, you registered under the Draft Act on June __, 19__, stating that you are a conscientious objector. Subsequently, you presented yourself for physical examination. When asked for a statement of your principles, you invoked a quotation from Judge Augustus Hand given before the New York Supreme Court, - "It is the constitutional right of every citizen to express opinion about war or the participation of the United States in it; about the desirability of peace; about the merits or demerits of the system of conscription and about the moral rights or claims of conscientious objectors to be exempt from conscription. It is the constitutional right of the citizen to express such opinions, even though they are opposed to the opinions or policies of the administration; and even though the expression of such opinions may unintentionally or indirectly discourage recruiting and enlistment."

Directions:

From this point, finish the story in any way you please.

Please answer this question outright:

Are you a member of any group, body or sect which has maintained a historic position in support or opposition to military service?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. Does your ending recognize the official endorsement given to plans of alternative service by the United States government (both within government service and with outside groups)?

2. Does your ending recognize several degrees of cooperativeness or non-cooperativeness by C.O.'s?

3. What legal rights do "independent" C.O.'s have in the refusal of military service today?

4. Do former C.O.'s suffer from discrimination in civilian life?

5. Is there a greater commitment to discipline in being a C.O. than in being a military person?

POLITICAL SITUATED SCENARIOS

A politically self-righteous young woman, Jean Bennett, led 350 people in a march down Pennsylvania Avenue for the purpose of picketing the White House. Jean was very much opposed to the war in Viet Nam and advocated that young men and women refuse to register for the draft, refuse induction into military service and be generally noncooperative with police. When the people in the crowd became disorderly, Miss Jean Bennett was arrested by Washington, D. C. Police. She was held in jail ten days without charges being filed against her. She was permitted no telephone calls and no visitors.

From this point, finish the scenario in any way you please.

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. Does your ending recognize the right of people to peaceably assemble? To assemble by means of marching? If you were opposed to this procedure, you take a negative position to one of the ten amendments. (Which one?)

2. Does Jean Bennett, her crowd of people, and their beliefs have anything to do with the American "rights" they were exercising?

   Did Jean Bennett and her fellow marchers have any responsibilities of citizenship that went along with the "rights" being used? Perhaps some citizenship responsibilities should have been carried out before the march. Can you name or guess what ought to have taken place?

3. Did the end of your scenario deal with the arrest of Miss Jean Bennett and the ten days in jail? Which particular "rights" components in the sixth amendment of the Constitution were violated?

   In terms of knowing the sixth amendment and using it, who do you believe had the greatest responsibility to see that it was carried out after the arrest was made: (a) Miss Jean Bennett, (b) the police, (c) a citizen bystander and witness to the events? Why?

MAY A STUDENT BE PUNISHED FOR NOT SALUTING THE FLAG?

A small group of students in the community of Monrovia attended the high school as regular and faithful students but they refused during school convocations and other public events sponsored by the school, to salute the American Flag at appropriate opening exercises. These children and their families claimed exemption on the grounds that the practice was contrary to their conscientious scruples and alien to their religious beliefs. The school authorities desired to ban and expel the students and make flag saluting a condition of attended school. The question before the court is whether the state has a compelling interest in evoking and fostering a sentiment of national unity among pupils in the public schools, or whether the individual religious liberties and conscience of the individual can be invoked as the reason for claiming exemption from saluting.

It had been found that the religious persuasion of the students was Jehovah's Witnesses.

Directions:

From this point, finish the scenario in a manner you think is consistent with state laws today, and in keeping with the precedents that seem to govern in our society. When you have provided a conclusion to this plot, allow your teacher to examine your ending for reality. Join your teacher and classmates in a cooperative analysis of your responses against a Frame of Reference which is in the possession of your teacher. It is intended that the Frame of Reference guide be disclosed to you after you have finished the scenario and when you are ready to analyze and discuss the outcome.

Please answer this question outright:

Does failure to salute the American Flag necessarily indicate a basic disrespect for the flag on the part of the citizens who live here?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. Would a person necessarily have to belong to religious bodies that did not believe in saluting graven images in order to be a valid objector to the flag salute?

2. Does this situation exemplify the cliche that "where the rights of one end, those of another begin"?

3. Do you imagine that different court decisions might have been rendered in this type of case over long periods of time?

4. It may be regrettable that the beliefs of children cause them to refrain from participation in a common ceremony of respect to the flag. But, does our flag symbolize the right of people to this individualist stand?

Corollary cases

West Virginia State Board of Education vs. Barnette, 319 U. S. 624; 63 S. Ct. 1178, 87 L Ed. 1628 (1943) See Public School Law 1969 Pages 558-566.

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BUT I EARNED THE MONEY AND YOU OWE!

Sub Allbright, eighteen years old, needed a part-time job to cover anticipated expenses for school and she found one, working for a small independent grocer. The grocer was new and the agreement was vague, but he promised to try Sue in various jobs and "treat her right" in wages. Sue unpacked groceries, stocked shelves, priced goods, and acted as cashier. This variety of duties continued for six weeks.

Sue was dissatisfied with her compensation, which she received every two weeks, but she did not gain enough courage to bring up the matter of the minimum compensation law until the sixth week. Sue told Mr. Keen, the manager, that she believed she should be earning $2.30 an hour, the minimum hourly rate for persons working with goods in interstate commerce. Her previous pay checks listed only $1.60 per hour as her rate of pay.

Mr. Keen countered that Sue was not an adult yet and that the federal standards did not apply. Mr. Keen felt that $1.60 wage was a fair wage for a student learning the operations of the grocery business.

Sue, not being satisfied, told Mr. Keen that age discrimination was illegal according to the Wage and Hour Division of the Employment Standards Administration, under the U. S. Labor Department. Also, that these goods moved in interstate commerce and that she counted more than 20 employees for the store, another qualifying point. Sue's last statement in this exchange was - "but I earned the money and you owe."

Directions:

From this point, finish the scenario utilizing your own imagination and creativity but, attempt to retain the reality of the state's law structure. Allow your teacher to examine your ending and join your teacher and classmates in a cooperative analysis of your response against a Frame of Reference, in the possession of your teacher. It is intended that the Frame of Reference guide be disclosed to you after you have finished the scenario and when you are ready to analyze and discuss the outcome.

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

The young are often taken advantage of by employers as they enter the labor market. Sometimes this is by design, but more often unfair economic situations develop due to the naivete of employee and occasionally employer to changing laws and administrative regulations affecting wages, working conditions, etc. It is important for students with little work experiences to know remedies for their own protection.

1. Was Sue Allbright on the right track in citing an agency of the U. S. Labor Department as the source of valid information.

2. How did Sue handle the human relations angle with Mr. Keen, her employer? Do you approve?

3. If Sue performed her work as capably as an adult, or if she demonstrated in a performance test that the job objectives were met when she worked, would this be good criteria for her in proving she deserved pay equal to an experienced person?

4. Should Sue appeal to the courts, try to reason further with her employer, file a grievance with the U. S. Labor Department or take some other course of action?

JUST FOOLING AROUND

Young Jeff Martin was just fooling around with his friend's 1932 "antique" car. In fact, he was driving it without permission as his friend, Stephen Zerlack, was not at home this particular evening. Jeff knew that Steve would have said OK, however, if he had been at home. Suddenly, at intersection County K and State 122, an oncoming vehicle appeared on the curve and sideswiped Jeff. The damage to the "antique" vehicle was extensive as it was to the sideswiping vehicle. The investigating police officers learned the following facts:

1. Neither car had ever had insurance coverage by the present owners.

2. Jeff Martin was driving what was apparently a "stolen" car or a vehicle not registered to him.

3. The driver of the sideswiping vehicle was out of work and had no savings of his own.

Directions:

From this point, finish the scenario utilizing your own imagination and creativity but, attempt to retain the reality of the state's law structure. Allow your teacher to examine your ending and joining your teacher and classmates in a cooperative analysis of your response.

Please answer this question outright:

In Wisconsin, would all three parties be liable for damages? (Stephen Zerlack, Jeff Martin and the driver of the sideswiping vehicle)

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

What starts out as an innocent and aimless good time is often the proximate cause of serious consequences for many youth. These questions highlight the seriousness of the consequences.

1. Could Jeff Martin have charges preferred against him by Steve for stealing his car?

2. Could Jeff be compelled to bear the costs of fixing Steve's car?

3. Could Stephen Zerlack be prosecuted for allowing his vehicle on the public highways without having insurance coverage?

4. Could the driver of the accident-causing vehicle be fined for reckless driving?

AUTO ACCIDENT

Mrs. Lou Goodbody was delivering girl scout cookies with her little girl Jean, a girl scout, naturally. Jean would run the cookies to the houses and collect the money. After one stop, Mrs. Goodbody backed out of a driveway in a nice neighborhood and apparently bumped against the bumper of a car parked on the opposite side of the street. Tom Brown, the prideful owner of the hit car, observed his car "bounce" as he looked through a window in his house. He ran into the yard hailing the now departing "hit and run" vehicle.

Ruefully, Tom examined a dent in the rear fender of his freshly painted car. A lump came into his throat, for this older model car was still the nicest looking car he had ever had and only one payment remained to be made until the sleek beauty was entirely his.

By now Mrs. Brown, Tom's mother, had arrived on the scene and they decided to pursue the fleeing vehicle. After a couple of blocks the Browns found Mrs. Goodbody still delivering girl scout cookies. Mrs. Goodbody could hardly believe that she had caused significant damage and she dreaded to hear what her husband would say.

Not knowing exactly what to do, Mrs. Goodman invited the Browns to follow her home to talk to her husband and hopefully reach a settlement without using or bothering the insurance company.

Mr. Goodbody went with Tom Brown to the auto body business that had painted Tom's car and heard the bad news from the appraiser, $60 to fix a dent in a rear fender the size of a silver dollar. Mr. Goodbody insisted that the Browns have two more estimates for fixing and repainting the fender.

Directions:

Finish the scenario in any way you please.

Please answer this question outright:

Is the auto accident in the domain of state law or federal law? List some rights belonging to Tom Brown in this situation. To Mr. Goodbody.

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. If this case is settled by agreement by the parties involved, will there have been any violations of law?

2. If the plaintiff and the offender continue to disagree on the cost and place of repainting the Brown's automobile, which party do you believe would have the final "say so"?

3. If this case went to court, would it be under Common Law or statutory law? Would it be referred to as a civil suit or a criminal case?

4. If it were determined that civil procedure will be followed, would it then be further designated as a law suit or an equity suit?

FREEDOM OF THE STUDENT PRESS

The Board of Education of the City of Stanford, Connecticut, on November 18, 1969, adopted the following "policy":

> "Distribution of Printed or Written Matter
>
> "The Board of Education desires to encourage freedom of expression and creativity by its students subject to the following limitations:
>
> "No person shall distribute any printed or written matter on the grounds of any school or in any school building unless the distribution of such material shall have prior approval by the school administration.
>
> "In granting or denying approval, the following guidelines shall apply.
>
> "No materials shall be distributed which, either by its content or by the manner of distribution itself, will interfere with the proper and orderly operation and discipline of the school, will cause violence or disorder, or will constitute an invasion of the rights of others."

Students at Rippowan High School desired to be freed of the restraint in the quoted board policy. The students, as plaintiffs contended that a mimeographed newspaper of their own creation and other printed and written literature, is censured and their right to freedom of expression is violated.

Directions:

From this point, finish the scenario in a manner that you think is consistent with state laws today, and in keeping with the precedent of earlier court decisions. When you have provided a conclusion to this plot, allow your teacher to examine your ending of reality. Join your teacher and classmates in a cooperative analysis of your responses against a Frame of Reference which is in the possession of your teacher. It is intended that the Frame of Reference guide be disclosed to you after you have finished the scenario and when you are ready to analyze and discuss the outcome.

Please answer this question outright:

What is the source of the "freedom of the press" idea in our Constitution?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

This was an actual case, but edited to eliminate the decision and arguments, as well as legalisms that may be difficult for high school students.

1. Does the dissemination of cases like this one into the hands of students pose a threat to the orderly operation and discipline of schools?

2. Does "prior approval" furnish sufficient guidelines and guarantees of "time lines" for students or administrators?

3. Did the Board of Education really hope to encourage freedom of expression and creativity by its students, in your opinion?

Corollary Cases

Board of School Comm'rs. of City of Indianapolis v. Jacobs, 95 S. Ct. 848 (1975).

Jacobs v. Board of School Comm'rs., 490 F. 2d 601, 606 (7th Cir. 1975).

Oxfled v. New Jersey State Bd. of Educ., 344 A. 2d 769 N. J. 1975.

Nitzberg v. Parks, 525 F. 2d 378 (4th Cir. 1975).

Bright v. Los Angeles Unified School Dist., 124 Cal. Rptr. 598 (Cal. App. 1975).

Shanley v. Northeast Independent School District, 4 G 2 F. 2d960 (5th Cir. 1972) lower federal court case dealing with students right to prepare, distribute, and sell literature such as "underground" newspapers.

Tinker v. Des Moines Independent School Dist. 393 U.S. 503 (1969).

West Virginia v. Barnett 319 U.S. 624 (1943).

Goss v. Lopez (43 LW 4181).

Wood v. Strickland 73-1285.

1. Legal rights of a student reaching the age of majority. See Wisconsin 18 year old age of Majority Law.
2. Contemporary Legal Problems in Education - (1975) National Organization on Legal Problems of Education - (NOLPE) Pages 46 to 79 and 91 and 92.
3. The courts and student conduct E. Edmund Reutter Jr. (Series #27) Pages 18-35 Publications.

CAN THE BANK GIVE AWAY THE SECRETS OF YOUR FINANCIAL ACCOUNTS?

Young Mary Moneysworth, 16 years old, had it made. She had had lucrative jobs in her dad's business since she was 12 years old. Always her father's darling, she had been paid more than enough, summers, weekends, etc. Mary's bank account was very healthy, since she was usually paid in greenbacks and she overlooked reporting her income to the federal government. The Internal Revenue Service was tipped off about Miss Moneysworth's neglect of duty and they started sending her forms and threatening letters. In addition, an agent of the Internal Revenue Service appeared at Mary's bank and asked the leading financial officers how much money was in Mary's account. They also wanted to know how regularly Mary deposited and what form the deposits were in. The IRS man wanted to know if the bankers were aware of the source of Mary's money.

Mary ignored the correspondence from IRS and after a period of months, she received a statement from her bank showing a withdrawal from her account in favor of IRS for the sum of $3,500. In the same mail she received a summons to appear in tax court on charges of income tax evasion.

Mary Moneysworth was shocked to learn of the loss of $3,500, to learn that the bank revealed private information about her account and to realize that she or her parents might face further fine and imprisonment.

The Moneysworth's attorney prepared for the defense of his client.

Directions:

Finish the scenario in any way you please.

Please answer this question outright:

How do you interpret the above sequence of events in the light of the 14th Amendment to the U. S. Constitution - that portion of it which reads . . ."All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny any person within its jurisdiction the equal protection of the laws."

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. As a taxpayer, no matter how small, do you resent financial freeloaders who receive the same benefits from government as you do?

2. Are your checks really your property, or the bank's property?

3. What alternatives do you have to avoid using banks if you cannot have confidence in the confidentiality of your financial transactions?

4. What are the real citizenship responsibilities of a person who earns excellent income?

I WAS ONLY TALKING AND WATCHING

Much overlooked at the famous "Kent State University riots in 196_," in which violence and bloodshed occurred between college students and the Ohio National Guard, was an episode that involved high school students. Two high school students were arrested and hauled away to jail for making inflamatory speeches and for inciting others to violent action. James Dittman and Larry Inman, both students in a nearby high school, were openly sympathetic to their older brothers and sisters protesting the Vietnam War. They wanted a piece of the action and since they appeared as mature as college students, on this particular morning they congregated several crowds with their soapbox oratory in a small park.

As the streets filled with marchers and protesters, the city police and national guardsmen decided to arrest all "rabble-rousers." James and Larry were arrested at 12:30 p.m.

The police report disclosed the following facts:

_____

_____

_____ _____

_____

The boys and their parents were ordered to appear in _____Court.

The boys claimed a violation of their rights of

_____

_____

And they said that they didn't do anything, they were only _____

_____

The possible and probable outcome of this situation is:

_____

_____

_____

Directions:

From this point, fill in the blanks and finish the scenario utilizing your own imagination and creativity but, attempt to retain the reality of the state's law structure. Allow your teacher to examine your ending and join your teacher and classmates in a cooperative analysis of your response.

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

Experiencing the freedom of political expression is an exhilarating experience to the young, a group that often expresses the feeling that no one listens to them. In an orderly society, however, the first amendment right isn't an absolute one - without limitations as these questions help point out.

1. If the high school boys were less than the age of majority in that state, would that fact make a difference in the procedures of the arrest and the outcome of the charges?

2. Ought the high school boys have the prudence and maturity to sense a dangerous situation and to have restrained themselves so as not to have contributed to an inflammatory situation?

3. Did the public school authorities bear a part of the responsibility for the arrest of high school boys, since it was obviously a school day and accountability for attending classes was not present?

4. Should a national political issue be reduced to having the "lines drawn" in the streets?

MISDEMEANORS, FELONIES AND UNUSUAL PUNISHMENTS

Eric Krauss, resident of a large city and 15½ years of age, dropped out of school. He had been in trouble at school since the age of nine. The police arrested him on numerous occasions for petty larceny, "peeping," and using indiscreet language to an officer. One evening, Macy's Department Store was entered through a broken glass in a side door. The police apprehended Eric Krauss on the inside of the store. There was evidence that about $1,000 of merchandise had been taken from shelves, piled in boxes and made ready for carrying out of the store. Eric claimed that he merely followed a friend inside to see what his associate was going to do. Eric maintained that he never intended to steal anything. Eric's "rights" were read to him by an officer and he was arrested.

At the arraignment on the second day after the arrest, Eric Krauss was bound over for grand jury action. Bail was set at $200,000.

Finish the scenario in terms of the next most logical subsequent events.

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

Duties and Responsibilities:

1. Do you believe the district attorney and the police must make a further investigation into the felony aspects of the events? Why?

2. If you were Eric Krauss' lawyer, how might you use the 8th Amendment of the U. S. Constitution to help yourclient?

3. Assuming Eric's curiosity only motive for entering the store is true, did he have a responsibility to know the "entering" and "trespass" laws of his state and did he have a duty to avoid the consequence of breaking these laws?

4. Suppose Eric's own lawyer discovers that his client acted alone in the Macy Store case, that there was no accomplice. Does the lawyer have a duty to society to plead his client guilty? Why?

5. Does the ending of your scenario provide for the individual assuming his responsibilities in equal proportion to the assumption of his rights? If not, can the democratic society survive long if "duties and responsibilities" are not seen just as necessary as "rights" by most people?

EQUAL RIGHTS AND NONDISCRIMINATORY EMPLOYMENT

Three jobs have been advertised by the X Paper Company. The local newspaper carried the ad and the announcement mentioned that X Paper Company was an equal opportunity employer.

On a Monday morning, following the appearance of the advertisement, three young men and a young woman appeared at the employment office and filled out applications for the jobs. The young woman was white, one man was white, one was black and one was an Indian. Each job applicant was a high school graduate. The white man and the white woman had been "average students" in high school and each had missed 10-12 days of school in each year in high school. The black man had been valedictorian of his class and had missed only 3 days of school in four years. The Indian had approximately a "B" average in high school and had a perfect attendance record in his last four years of school.

The personnel officer and president of the company hired the white man and the white woman.

Finish the scenario, but let the events you provide be consistent with recent legislation, court interpretations of the constitution and recent political thinking.

Please answer this question outright:

Which amendment to the Constitution might be invoked in defense of injured persons in hiring practices?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

Duties and Responsibilities:

1. Does Company X have responsibilities which take priority over current practices in their hiring policies? Should a person apply for a job with an organization known to discriminate according to racial bias? According to sexual bias? Why?

2. Do individuals discriminated against have a responsibility to act legally in their own behalf? Why?

3. Would competency tests for positions be an acceptable method of reducing discriminatory practices?

4. Does your ending avoid practices that are just as objectionable as those found earlier in the scenario?

A RESTRICTION IN STUDENT DRESS

This action was brought to restrain the defendants from enforcing the following rule adopted by the board of education of the city of Langdon, to wit: "Notice is hereby given that on and after September 29, 1930, any boy wearing metal heel plates on his shoes will be refused admittance to classes and will be suspended or expelled until the heel plates are removed."

Murray Stromberg, a pupil in the high school, at the direction of his father, G. E. Stromberg, wore metal heel plates. The plaintiff insisted that he had a right to do so and that the action of the board of education forbidding their use was unreasonable. The defendants, principal, superintendent and school board members threatened to enforce the rule. The plaintiff thereupon began the instant action to permanently enjoin them from doing so.

(Note: Edited from Stromberg Vs. French, Supreme Court of North Dakota, 1931. 60 N. C. 750, 236 N. W. 477, found in Public School Law Cases and Materials, Alexander, Corns, McCann, West Publishing Co., St. Paul, Minn. 1969.) Pages 594, 589 and 901.

Directions:

From this point, finish the scenario in a manner that you think is consistent with state laws in Wisconsin today, and is keeping with the precedent of earlier court decisions. When you have provided a conclusion to this plot, allow your teacher to examine your ending for reality. Join your teacher and your classmates in a cooperative analysis of your responses against a Frame of Reference which is in the possession of your teacher. It is intended that the Frame of Reference guide be disclosed to you after you have finished the scenario and when you are ready to analyze and discuss the outcome.

Please answer this question outright:

What might be some underlying reasons for the administrative rules backed by school board policy?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

This was an actual case, but edited to eliminate the decision and arguments, as well as legalisms that may be difficult for high school students.

1. How would you describe the position of Murray Stromberg in this situation?

2. Must the public school be able to show that "Dress Code Regulations" are designed to prevent a disruption of the academic process, or are calculated to avoid hardship for the school district?

3. What are some reasonable ways to avoid "Dress Code" issues arising?

Corollary Cases

Zeller v. Donegal School Dist. Ed. of Educ., 517 F. 2d 600 (3d Cir. 1975).

Trent v. Perritt, 391 F. Supp. 171 (S. D. Miss. 1975).

Epperson v. Board of Trustees, Pasadena Indep. School Dist., 386 F. Supp. 317 (S. D. Tex. 1974).

Dostert v. Berthold Public School Dist. No. 54, 391 F. Supp. 876 (D.N.D. 1975).

Karr v. Schmidt, 460 F. 2d 609 (5th Cir. 1972), elaborates the argument on both sides of the "haircut controversy" with respect to teachers.

Mitchell v. McCall, Supreme Ct. of Alabama, 1962, 273 Ala. 604, 143 So. 2d 629 Refusal to participate in P. E. (Personal Appearance)

Strombero v. French, Supreme Ct. of North Dakota, 1931, 60 n.d. 750, 236 N. W. 477 (Personal Appearance)

Leonard v. School Committee of Attleboro, Supreme Judicial Ct. of Mass., Bristol, 1965, 349 Mass. 704, 212 N. E. 2d, 468 Ex: Haircut precedent like Breen v. Kahl

Breen v. Kahl, 296 F. Supp. 702 (1969), 8th Circuit Court App. (1st Cir. - 5th Cir.) Adult Standard v. Student Standard

Reference

Yearbook of School Law 1976, Philip K. Piele Editor-in-Chief Pages 96, 4.5 b Dress and Hair Regulations

1975 - Supplement Public School Law, West Publishing Breen v. Kahl 296 F. Supp. 702 (1969) Pages 67-71

Wisconsin Statutes 1974 120.13 (1) a,b,c

ARROGANT HOSTILITY TOWARDS SCHOOL RULES

At Blackhawk High School, the freedom of the discontented and the disenchanted to protect and demonstrate moved from minor importance to the central issue. A small group of "rebels" known as "The Tangoes" insisted on smoking as the opportunity presented itself. Some of these students were caught smoking in the "Johns," under stairways and outdoors on the school grounds. A number of suspensions occurred and by mid-year, the small minority determined to toughen their stance and make an issue of the "no smoking" rule.

In a more responsible manner, the "Tangoes" filed a formal petition with the school board requesting a "smoking room" or "lounge." They argued that teachers had the smoking privilege and that it was discriminatory not to allow students the opportunity to smoke. The school board turned down the "Tangoes" petition citing state statutes and the expectations of parents and the community.

A frontal attack was now made by the "Tangoes" in the form of parading and trouping through the hallways. They chanted for freedom while grouped together "gang" style. In the midst of the group would be one or two people smoking. The smokers would be crouched low to help conceal identity.

The response of the administration was to seize half a dozen of the "Tangoes," charge them with unruly conduct, interfere nce with classes and violation of school rules on "no smoking." These persons were suspended from school for three days. They were allowed all due process procedures.

One of the suspended student's father was a lawyer and in a few days, a brief was on file in the county court challenging the suspension of the "Tangoes" from school.

Directions:

From this point, finish the scenario in any way you please.

Please answer these questions outright:

Will the issues in the trial be the same as the initial issue that started the confrontation?

Would non-smokers have equal rights to demand segregation of smokers while they are smoking - thus joining with smokers in asking for facilities?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. What basic rights can you identify in the series of events described here? (Hint - peaceable assembly, speech, school boards as representatives of the people to govern schools - 9th and 10th Amendments.)

2. Does the freedom to manage one's own body receive preference to the other freedoms involved in this scenario, or does the right to smoke rank as less importance than the right of uninterrupted educational opportunity for all students?

3. What might the consequences of this case hold in store for the faculty of smoking?

4. Could these difficulties have been worked out by student government?

Reference

Wisconsin Statutes 1974, School Board Powers 120.13 (1) a,b,c,

Public School Law, Kern Alexander etc. 1969, West Publishing Co. St. Paul, Minnesota, Page 622-23, Punishment of Pupils in General. Also, page 630 (12) Suspension and Expulsion.

Public School Law 1975, Supplement page 72, Tinker v. Des Moines Independent School District 89 S. Ct. 733 (1969)

RELIGIOUSLY SITUATED SCENARIOS

The Supreme Court of the United States held that no public school governing official, nor teacher may force an act of religious worship to occur as a part of an instructional situation in the public school. A young teacher in Minneapolis, Minnesota, insisted on having five minutes of bible reading and prayer with all students assuming the "praying hands" pose while the scriptures were read and prayers said. No adult has ever witnessed these events and no parents have given permission for their youngsters to testify (all youngsters were minors). The young teacher has been suspended from his teaching position, pending an investigation and possible indictment against the teacher.

From this point, finish the scenario in any way you please.

Please answer this question outright:

Which "right" mainly, was the student relying upon?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. Did your ending result in the reinstatement of the young teacher in his teaching position? Whose "rights" was the school board attempting to uphold by suspending the teacher? Were the young teacher's "rights" violated by this particular procedure? Which and/or why?

2. Freedom of speech in a scholastic setting is known as academic freedom. Did you notice that in the scenario, the First Amendment's provision for Freedom of Religion and Freedom of Speech (Academic Freedom) seem to fight each other? Which of these freedoms is most important in a public school setting as outlined in the scenario? Why? For whom?

3. In the teacher's being suspended, do you feel the teacher has been made to answer, in a sense, for a violation of law? How would you answer this if the teacher's salary were being continued while suspended?

   With only "minors" for witnesses and no one permitted to testify, is it likely the state will try to secure testimony from the teacher? Why? Which part of the amendment would the teacher invoke?

   Do you believe the teacher should have reevaluated his primary responsibilities, as a citizen, before performing acts of worship in this case? Why?

PUPIL CONTROL OUTSIDE OF SCHOOL HOURS

Terry Osborn, a strong-armed, fifth grade bully, lived two blocks closer to school than some of his classmates and he usually ran home quickly after school was out. Terry was on poor terms with Peggy, Joe, Betty, and Allen who had to pass by Terry's house on their way home from school. Terry used his home as an island of safety for himself, but he often sallied forth and beat, abused and terrorized his fellow pupils as they passed by, returning home. Terry's mother and father were still working at their jobs at this time of day.

Peggy, Joe, Betty and Allen complained to their fifth grade teacher, Mr. Vertack. Also, the parents of these children phoned the school to complain. Mr. Vertack was deeply troubled by the activities of Terry, but he was uncertain of what he could do. Mr. Vertack asked for the counsel and action on the problem from Mr. Sanford, the school principal. What could be done under the authority of the school? What steps should be taken by Mr. Sanford and Mr. Vertack that would be upheld under the laws and sanctions granted to schools and teachers?

Directions:

From this point, finish the scenario in a manner that you think is consistent with state laws today and in keeping with the precedent of earlier court decisions. When you have provided a conclusion to this plot, allow your teacher to examine your ending for reality. Join your teacher and classmates in a cooperative analysis of your responses against a Frame of Reference which is in the possession of your teacher. It is intended that the Frame of Reference guide be disclosed to you after you have finished the scenario and when you are ready to analyze and discuss the outcome.

Please answer this question outright:

If the teacher may act in the place of the parent at school, may the teacher act in place of the parent in this situation?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

Many states have passed legislation emphasizing and extending the latitude of the teacher's control. A typical statute is that passed by the Kentucky General Assembly to wit: "Each teacher in the public schools shall hold pupils to a strict account for their conduct in school, on the way to and from school, on the playgrounds, and during intermission or recess."

"In view of the broad control granted to school personnel in controlling pupil conduct, it is not surprising to find courts upholding school administrators who require pupils to go directly home from school; discipline pupils for assaults committed after they reach home; smoking on the public streets; or committing any other act of misconduct off school premises which will have a deleterious effect upon the school." (From Control of Pupils Outside School Hours, internal quotation from Richardson vs. Braham, 125 Neb. 142, 249 N. W. 557 (1933), P. 6061, extracted from Public School Law, Alexander, Corns, McCamn, West Publishing Company, St. Paul, Minn., 1969.)

1. Does the fact that Terry's parents were not home have much bearing on the case and the possible actions of school authorities?

2. Does the fact that Peggy, Joe, Betty, and Allen had not arrived at their homes have a bearing on the decisions to be made?

3. Should any of the parents be counted on to resolve the situation?

4. Is punishment a possible answer?

References

Public School Law, Kern Alexander, etc., West Publishing Co., 1969, St. Paul, Minn. Pages 606-610, Control of Pupils Outside of School Hours, cases include:
1) Richardson v. Braham, 125 Neb., 142, N. W. 557 (1933).
2) O'Rourke v. Walker Com. 1925, Supreme Court of Errors 102 Com. 130, 128A, 25.

Wis. Statute 1974, 120.49 Sec. 2 - School Board Powers and duties.

Wis. Statutes 1974, 120.13 (1) a,b,c

GAMBLING

For two weeks five seventeen year old girls had been meeting between the hours of 4 and 5 p.m. after school to gamble with cards for dollar stakes. They had found an unlocked door in an abandoned city school one block away from their adjacent new school. They thought that since this property still belonged to the school district and they were students it was alright to go in. A love of playing cards was the main motivation for the game, but they believed the game would be more interesting with some reasonable stakes.

Unknown to the girls, they had been observed going into the abandoned building by a school janitor on a couple of different evenings. On the second occasion, the janitor called the police. At 4:25 p.m., just when the game was going good, in walks two police officers and placed the five girls under arrest.

The police report disclosed the following facts:

_____

_____

_____

_____

The girls and their parents were ordered to appear in _____ Court.

The possible and probable outcome of the situation is:

_____

_____

_____

_____

_____

Directions:

From this point fill in the blanks and finish the scenario utilizing your own imagination and creativity but, attempt to retain the reality of the state's law structure. Allow your teacher to examine your ending and join your teacher and classmates in a cooperative analysis of your response against a Frame of Reference, in the possession of your teacher. It is intended that the Frame of Reference guide be disclosed to you after you have finished the scenario and when you are ready to analyze and discuss the outcome.

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

The activities of youth are not always known by their parents between the school closing time and the supper hour. Also, youth with time on their hands are not always as well versed on unlawful practices as would be relevant to their intended activities. These questions will focus attention on some essentials for getting along in a complex society.

1. Since the girls are 17 and on the threshold of adult citizenship, what responsibility do they have to check on the responsibility of their own actions?

2. Was the janitor accountable to his employer in calling the police?

3. Should five sets of parents have made inquiry in two weeks into the whereabouts of their daughters at this time everyday?

4. What consequences would be appropriate to teach and develop an attitude of respect for the law on the part of the girls and their parents?

5. What are the possible charges on violation of the law in the situation?

References

1. Public School Law, Kern Alexander, etc., West Publishing Co., 1969, St. Paul, Minn. Pages 606-610.

2. Consult with the local law enforcement officials. Matters are that of of breaking and entry or trespassing without permission.

3. Discover whether or not there is a legal restriction against gambling.

4. Wisconsin Statutes 1963, 66.051, Gambling Prohibition, cities, towns, etc.

RULING ON A LIBRARY BOOK

Blakely Lake Public Schools has a procedure for handling objections to student use of library books to which a student, 18 years of age, objects.

Gayla Young read the school board policy on library books and materials. She objected to the policy and took issue with the school. Having reached the age of majority, Miss Young challenged the school board's library policies and was refused a hearing with the board.

Ignoring the prescribed remedies in the school board policies, she sought legal action.

"The suitability of particular books or other library materials may be questioned.

b. The Board does, however, recognize the right of an individual parent to determine the reading matter for his own child. The parent may request that his child not have to read a given book or be allowed to check out a given book from the library. A written request must be made to the appropriate building principal and librarian."

The court has been asked to restrain the school board from enforcing the above policy. The plaintiff, Miss Young, contends this policy abridges her First Amendment guarantee of freedom of speech and free access to information. She contends that she is an adult in Wisconsin and that the above restriction, reimposes the subservience of the child-parent relationship. She contends that the above restriction is contrary to the spirit of the Library Bill of Rights to which the school district subscribes and has incorporated the statement into their policy.

Directions:

From this point, finish the scenario in a manner that you think is consistent with state laws and in keeping with the precedent of earlier court decisions. When you have provided a conclusion to this plot, allow your teacher to examine your ending for reality. Join your teacher and classmates in a cooperative analysis of your responses against a Frame of Reference which is in the possession of your teacher. It is intended that the Frame of Reference guide be disclosed to you after you have finished the scenario and when you are ready to analyze and discuss the outcome.

Please answer this question outright:

Does a parent have the right to regulate the library reading of an adult child enrolled in public secondary school?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. Did Gayla Young follow the proper channels in seeking a remedy for the regulation?

2. Is Miss Young grounding her arguments in substantive reasons or in rebellion against parental and school authority?

3. Is the school board policy in part (b) actually contrary to the spirit of the "Library Bill of Rights"?

4. If you were the judge, or if you were a jury person, how would you decide was right?

1. Is there a Library Bill of Rights?

2. If so, what are the restrictions school boards can incorporate in their policies?

3. How will a court proceed in determining the right of the plaintiff, Miss Young, to exercise her adult freedom?

   Substantiate your answers?

DOES DRESS CODE EXTEND TO THE P. E. CLASSES?

Suc McFarland was suspended from Alliance High School, a public school in Rufus County, for refusing to participate in the physical education program lawfully prescribed for that school. This refusal was based on these three objectives:

A. A refusal to wear the costume prescribed for the students while participating in the course on the ground that said costume is immodest and sinful according to the religious beliefs of the appellant.

B. A refusal to perform certain physical exercises on the same grounds as listed above.

C. A further refusal to attend the physical education course because such attendance would require Miss McFarland to be in the presence of the other girls and the instructress who wore the prescribed costume and performed all the exercises.

The school authorities offered to allow Miss McFarland to wear clothing which she would consider modest and suitable, and further agreed that she would not have to perform any exercises that seemed to her or her parents immodest for a girl to perform when clad in ordinary feminine clothing.

The Circuit Court incorporated these concessions in its decree and ordered the school authorities to readmit the girl on the further condition that she would attend the physical education course and participate therein subject to the concessions. Since these concessions were made by the school board and adopted by the lower court, and since no complaint is made of them here, the court was not concerned with the concessions and expresses no opinion on their legality or illegality.

The appellant appealed from the decree of the Circuit Court to the Supreme Court of the state on the theory that the requirement that Sue McFarland attend and participate in the course in the presence of the other girls and the instructress violates her freedom of religious belief secured to her by Article 1, Section 3 of the Constitution of the state, and the First and Fourteenth Amendments of the Constitution of the United States.

Directions:

From this point finish the scenario in the way you think is Constitutionally correct. When you have provided a conclusion to this plot, allow your teacher to examine your ending. Join your teacher and classmates in a cooperative analysis of your response against a Frame of Reference which is in the possession of your teacher. It is intended that the Frame of Reference guide be disclosed to you after you have finished the scenario and when you are ready to analyze and discuss the outcome.

Please answer this question outright:

Does the school have the right to prescribe the clothing and the curriculum for its pupils?

Corollary Cases

Mitchell v. McCall
Supreme Ct. of Alabama, 1962
273 Ala. 604, 143 So. 2d. 629
Refusal to participate in P. E.

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. Was it necessary that Sue McFarland attend public schools? Is the state under an obligation to provide public schools?

2. Must duly constituted rules and regulations give way to those who object to them out of religious convictions?

3. Do you think the concession offered by the school board would have amounted to an actual disruption of instruction for the majority of the students had they been accepted?

4. When the state prescribes curriculum for a school system such as in this case, could the state have been made a party to the suit?

References:

The Courts and Student Conduct, Paperback, E. Edmund Reutter, Jr., Monograph Series (1975) #27 National Organization on Legal Problems of Education 825 Western Avenue, Topeka, Kansas 66606, pages 35 to 59.

Legal Aspects of Control of Student Activities by Public School Authorities E. Edmund Reutter, Jr. NOLPE (address see above) No. 1 Monograph Series 1970 Pages 10 to 15.

Wisconsin Statutes Chapter 90, (1975) Physical Education Standard L (2) (available in district offices)

LEAVING CAMPUS DURING SCHOOL HOURS WITHOUT PERMISSION

The persons seeking relief from school regulations are a husband and wife, residents of the town of Tobin. At the opening of a recent school year, the said couple entered their two children, Albert, age 11 and Delores, age 9, in the Bailey school district in the town.

It was the desire of the parents that their children be relieved of the restriction placed upon them by this rule - "Student Regulation - Leaving the campus between the hours of 9 a.m. and 3:35 p.m. is strictly prohibited, unless students are accompanied by a teacher." Further, said parents desired that the children be permitted to eat their midday meal, either in the home, situated about a mile distant from the school, or to eat same with their father at the hotel in town.

The principal of the school denied the special privilege. Because of that, the children left the school campus in violation of the rule in order to take their midday meal with their father. The children continued to do this until the 29th day of September when, because of continued infraction of the rule, Albert was suspended and Delores was withdrawn as a pupil from the school. At that point the parents filed their bill of complaint in the Circuit Court, attacking the validity of the rule as being an unreasonable regulation in restraint of their liberty and the liberty of their children, as being an infringement upon their right of property in the school.

Directions:

From this point, finish the scenario in a manner that you think is consistent with state laws today, and in keeping with the precedent of earlier court decisions. When you have provided a conclusion to this plot, allow your teacher to examine your ending for reality. Join your teacher and classmates in a cooperative analysis of your responses against a Frame of Reference which is in the possession of your teacher. It is intended that the Frame of Reference guide be disclosed to you after you have finished the scenario and when you are ready to analyze and discuss the outcome.

Please answer this question outright:

Do school rules ordinarily allow students to eat lunch at home if they live nearby?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. In terms of your knowledge, was the school rule arbitrary and did it penalize selected individuals in the business community?

2. Is it true that individuals have "property rights" in an educational experience in a state's school, or--was it true that no property was taken from the children?

3. Do you expect that the court will give an opinion on the wisdom of the school regulation, or--will the court be unconcerned with this question?

4. Was there any punishment imposed on the children, or--were they merely denied a privilege?

5. Does the Fourteenth Amendment, Section 7 of the U. S. Constitution have any potential in furnishing the kind of relief the parents covet, from the school regulation?

Leaving Campus

Public School Law (cases and materials) Kern Alexander, E. D. others, West Publishing Co., 1969, St. Paul, Minnesota

Page 630, Item 12, Suspension and Expulsion.

Wisconsin Statutes, 1974, 120.13 (1) a, b, c School Board Powers

PARENTS' RIGHTS AND RESPONSIBILITIES

Very young parents, just out of high school, assumed legal responsibility of a little, six-year-old handicapped boy. The parents, Mr. and Mrs. Sherman, wanted to give "Martin," their new son, the necessary schooling to overcome his limitations. Through testing, it had been determined that Martin had some eyesight but was legally blind. The reports indicated that the blindness would worsen. In the classroom, Martin could not do his work quickly and he had to give up on some of the tasks his classmates were doing. Martin, obviously needed a special education program and quality teachers capable of prescribing educational treatment.

Mr. and Mrs. Sherman presented Martin to the local superintendent of schools and requested a placement for Martin.

These were the comments of the superintendent: "In our district of only 250 students, we have not up to this point identified any other child who fits into a program for the partially sighted. Consequently, we have not hired nor have we acquired the services of a teacher for the blind. We are not prepared to accept your son, Martin, as a student."

Finish the scenario taking time to do enough research to produce a valid ending. Your sentiments may well be modified by facts you uncover.

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. Does your ending recognize that this is not the end of the issue, that very recent federal and state legislation mandates the rights of parents and students to due consideration by all school officials?

2. With whom did your sympathies rest in the scenario? Assuming that the superintendent was telling the truth about the other students, what real responsibilities do the young parents have to pursue the matter in behalf of Martin? If the school took the lead in getting a correct placement for Martin and the parents were reluctant to cooperate, what responsibilities do you think rest on teachers and administrators?

3. If there is a duty on the part of parents to protect basic rights of their children, how do you think the ninth amendment to the U. S. Constitution might be relevant? If the parents were unconcerned in this case, would that be child neglect?

4. How should these parents proceed to help their son, Martin? What alternative solutions are there in case a solution at the local school district level really isn't practical?

TORT LIABILITY IN A CASE OF ALLEGED LIBEL

Jerry Beacon, an 18-year-old reporter on "Chronicle," the school newspaper at Howard Central High School, wrote and published an item about one of the school's teachers, a Mr. Miles Edwards. The item appeared in a column entitled "News Notes and Quotes" and it read as follows: "Drive 8 miles to see Miles peep show; excite the "prurient interest."

The teacher, Edwards, was very upset since there was only one faculty member with the first name "Miles," and he immediately had a conference with the high school principal, the teacher sponsor of the school newspaper and Jerry Beacon. Beacon admitted that he wrote the item and that he had no proof of any wrongdoing by Edwards. The journalism teacher sponsor of the paper and the principal were apologetic. They admitted this indiscretion was not "caught" due to too much trust in the students. Jerry Beacon said some of the kids were simply "irked" by the teaching methods of Mr. Edwards.

Nevertheless, Mr. Edwards stated that his reputation and his professional career had been damaged and that he was filing suit against those responsible for the libel.

Named in the suit was Jerry Beacon, since he was 18 and had reached "age of majority." Also named were Miss Janet Haverford, the sponsor of the "Chronicle;" Mr. William Bobkins, principal of Howard Central; and the superintendent of schools, and all of the school board members as a board and as individuals.

Directions:

From this point, finish the scenario in any way you please. When you have provided a conclusion to this plot, allow your teacher to examine your ending for realism.

Please answer these questions outright:

Which "right" mainly, was the student relying upon?

What constitutional guarantees did the teacher attempt to invoke?

BICENTENNIAL SCENARIO FRAME OF REFERENCE

A Question and Explanation Guide

1. Did your conclusion of the scenario make a distinction between the "freedom of the press" to write and report, and the necessity to report facts responsibly?

2. Did Mr. Edwards "overreact" in terms of filing a law suit in the sense of having enough grounds for having a probability of winning his suit?

2a. How do you assess the teacher's contention that his reputation and career had been damaged?

3. What is the merit of proper supervision of the editorializing by the sponsor and the principal in order to protect the student editorial staff and to protect the integrity of the professional staff?

4. What increased responsibilities do students assume when they reach 18 years of age? What additional risks do they incur?

SOCIAL PROBLEMS

Crime and the Police

CASE EXAMPLES: Directions: Read over each of the following case studies and write a short essay answer in response to the questions posed at the end of each reading.

CASE 1

Sir John Dowling, the foreign minister of New Zealand formerly, was appointed Ambassador to the United States. While in residence in Washington, D. C., he received a call to appear at an urgent meeting of the U. N. Security Council. In traveling through New Jersey he was arrested by the state police for exceeding the posted speed limit by 6 MPH. He was brought to a patrol headquarters when he was unable to prove who he was and was charged with resisting arrest when he attempted to continue on his journey when the patrolman was still writing the ticket.

(a) Can Sir John Dowling be legally detained and ticketed?

(b) What actions will have to be taken by Sir John to remedy his current situation in arrest?

CASE 2

Benjamin ("Benjy") Weston was wanted by the Los Angeles police for questioning in connection with a narcotic substances investigation. Although Benjy was not under suspicion, his testimony was needed to validate the whereabouts of one Chico Sanchez. When the police arrived at Benjy's place of work to talk with him, he cooperated fully. At this point, Chico, who also worked at the same place, threatened Benjy with bodily harm. Benjy sought out his attorney and levied an illegal questioning complaint against the police for interrogating him without reading him his rights.

(a) With that, may Chico be charged if Benjy were to file a complaint against him?

(b) In filing charges, what inconsistencies or apparent glaring errors appear in Benjy's complaint? How can the police prove their position? How will they be able to "beat these charges?

CASE 3

Janet Richardson was found severely beaten by the Oklahoma City Police Department. She had disappeared earlier in the week from her job in Minneapolis and it was speculated she was kidnapped since a hastily written, but never mailed, ransom note was found on the ground near her office. A suspect, James Kohn, with apparent motive was taken into custody for questioning. In his fingernails were found what appeared to be threads of Miss Richardson's dress.

(a) Who will have investigative jurisdiction in this case?

(b) What felonies have been committed? 62

(c) What scientific tests can be performed to (a) determine if the ransom note was written by Kohn and (b) determine if the thread fiber was indeed from Miss Richardson's dress?

CASE 4

Pat O'Reilly, a beat policeman for 16 years, was keeping his eyes open for an armed robbery suspect. He came up behind a man fitting the description in an alley. After close examination it appeared that the suspect had a .45 cal. Army pistol sticking out of his belt. O'Reilly grabbed the suspect and clubbed him briskly over the head before handcuffing him and arresting him. The apparent gun turned out to be a rolled up bag of jelly beans.

(a) What are the suspect's rights in this case?

(b) What are the probabilities of Officer O'Reilly's arrest being duly noted and the suspect taken to court?

CASE 5

Patricia Hearst, on trial for bank robbery, was questioned by the prosecuting attorney in a line of questioning objected to by the defense attorney, but approved by the trial judge. She invoked the Fifth Amendment 46 times. The trial judge fined her for contempt of court.

(a) Was it Miss Hearst's right to invoke the Fifth Amendment in a felony case?

(b) Was the judge justified in finding her in contempt of court and fining her? If so, what was the legal basis for this decision?

CASE 6

Randy Larson, just 17 years old, was charged with grand theft auto. It was decided that he should stand trial as an adult. In the process of stealing the car, a police cruiser, he struck a skid row drunk in an intersection. The jury found him guilty of grand theft auto and negligence in the injury of the man.

(a) Because of his age, what sentence will likely be handed down in this case?

(b) Randy's defense attorney may have tried to prove what in connection with striking a drunken man in an intersection?

CASE 7

Bill and Rhonda Freeman were avid citizen's band radio buffs. Bill's pickup had a mobile unit and their home had an expensive base station. Their roof mounted antenna was also a very expensive piece of equipment. In July the Federal Communications Commission reported that their monitoring equipment picked up illegal skips of over 400 miles and that it suspected idle chatter transmissions in the Freeman's hometown, Augusta, Georgia. In August, after more incidents, the FCC appeared at the Freeman home, demanded entry, and smashed the radio equipment. The antenna was torn down from the roof and smashed through the windshield on Bill's truck.

(a) What violations, if any, have the FCC agents committed?

(b) If you suspect violations, what recourse do the Freeman's have?

CASE 8

New Holton had always been a fairly quiet town. In July, a rock concert was staged in New Holton on the public beach. With the city council's approval, the proper permits were paid for and issued. It was an orderly concert until a young man, high on drugs, stoned a patroling policeman. The policeman arrested the young man and two others who came after him. They were charged with disorderly conduct, striking a police officer, resisting arrest, and possession of dangerous drugs. The drugs were found in their pockets after a search. The rock concert continued peacefully but was ordered shut down by the mayor and city council. Its promoters were charged with inciting a riot.

(a) Could the young men be legally charged with possession of dangerous drugs?

(b) Could the rock concert be legally shut down?

(c) Could the promoters be charged with inciting a riot?

CASE 9

Brad Thornton was in the San Francisco city jail under arrest on charges of embezzlement, fraud, and grand larceny. He had masterminded a computer heist of goods and money from the aircraft plant where, as an engineer, he was due to be laid off. A bail bondsman, Mr. Dickerson, agreed to post the $30,000 bond. Brad was released and shortly thereafter disappeared. He was found in Cheyenne, Wyoming, and arrested for auto theft since he was stopped in an auto taken from Blackville, Wyoming, the day before.

(a) Who will be prosecuting Brad first for his crimes--the state of California or the state of Wyoming?

(b) What kind of warrant can California issue for his arrest and return?

(c) Can this become a case for any federal agency? Which one(s)?

CASE 10

The Chicago Police Department was hot on the trail of an apparent mob-run illicit gambling racket. While under surveillance, a suspected numbers runner was seen entering a laundry with a great quantity of paper slips. The police secured a warrant to search the premises and discovered nothing. Later they returned to the vacant office next door, set up a listening device, and overheard the owner of the laundry order the fire bombing of the building to destroy all evidence (slips, tally sheets, etc.) hidden in the walls. The police were about to enter the building but were repulsed by the flames. The fire department was called to extinguish the blaze but the structure burned down to the foundation, destroying all contents.

(a) Could the police legally make an arrest on the 'aundry owner and the suspected torch from the evidence overheard?

(b) What legal procedures would have to be followed in order to have this case come to court?

(c) Was the "wiretap" or "bugging" legal? What rule applied to its use?

SELECTED GLOSSARY OF LAW TERMS AND DEFINITIONS

TO AID UNDERSTANDING LAW IN AMERICAN SOCIETY

Allegation: A statement of fact made in legal proceedings.

Appeal: An application by an appellant to a higher court to rectify the order of a court below.

Appellate: One who appeals from a judicial decision.

Appellant Court: A higher court which hears a case from a lower court on appeal.

Appellee: The person against whom an appeal is taken; the respondent to an appeal.

Assault: Threatening to strike or harm.

Battery: Beating and wounding, including every tou hing or laying hold, however trifling, of another's person or clothes in an angry, insolent or hostile manner.

Code: A compilation of statutes, scientifically analyzed into chapters, subheadings, and sections with a table of contents and an index. A collection or system of laws.

Common Law: Legal principles derived from usage and custom, or from court decisions affirming such usages and customs, or from the acts of Parliament in force at the time of the American Revolution, as distinguished from law created by enforcement of American legislatures.

Court of Record: A court which keeps a permanent record of its proceedings. Frequently appellate courts are called courts of records since their proceedings are published.

Defamation: Scandalous words written or spoken concerning another, tending to the injury of his reputation, for which an action on the case for damages would lie.

Defendant: One required to make answer in a suit--one against whom the suit is brought.

De jure: (By right) a de jure officer has just claim and rightful title to an officer, though not necessarily in actual possession thereof. A legal or true corporation or officer as opposed to one that is de facto.

Demurrer: A plea by one of the parties to an action, who, while admitting for the sake of argument all the material facts properly pleaded by the opposing party, contends the existence of the facts does not constitute grounds for action.

Dictum: The expression by a judge of an opinion on a point of law not necessary to the decision of a case; not binding on other judges.

Dissenting opinion: An opinion disagreeing with that of the majority, handed down by one or more members of the Court.

Due Process: Law in the regular course of administration through courts justice, according to those rules and forms which have been established for the protection of private rights.

Equity: A system of law which affords a remedy where there is no complete or adequate remedy at law. A court of law assesses damages; a court of equity renders a decision in mandamus, injunction, or specific performance.

Injunction: A prohibitive writ issued by a court of equity forbidding the defendant to do some act he is threatening, or forbidding him to continue doing some act which is injurious to the plaintiff and cannot be adequately redressed by an action at law.

In loco parentis: In place of the parent; charged with some of the parents' rights, duties and responsibilities.

Ipso facto: By the very act itself, i.e., as the necessary consequence of the act.

Ipso jure: By the mere operation of the law.

Libel: Defamation by printed or written communication.

Litigation: Contest in Court.

Mala in se: (Malum in se) Acts wrong in themselves, whether prohibited by human law or not.

Mala prohibita: (Malam prohibitum) Acts prohibited by human laws, but not necessarily wrong of themselves.

Malfeasance: The commission of an unlawful act.

Malice: Hatred; ill will; a formed design of doing an unlawful act.

Misfeasance: A wrongful act, negligence, or the improper performance of some lawful act.

Negligence: Want of care.

Original jurisdiction: The jurisdiction of a court to entertain a case in its inception, as contrasted to appellate jurisdiction.

Petition: Written application or prayer to the court for the redress of a wrong or the grant of a privilege or license.

Plaintiff: Person who brings an action, he who sues by filing a complaint.

Police power: Inherent or plenary legislative power to enact laws for the comfort, health and prosperity of the state. The right to modify for the common good. In short, the right of the sovereign to govern.

Precedent: A decision considered as furnishing an example or authority for an identical or similar case afterward arising on a similar question of law.

Prima facie: At first view; on the first aspect. Prima facie evidence, presumptions, etc., are such as will prevail, if not rebutted, or disproved.

Quasi: As if, almost.

Quid pro quo: "Something for something"; a consideration.

Remand a case: An action by an appellate court to send the case back to the court from which it came for further proceedings there.

Restrain: To prohibit from action; to enjoin.

Slander: Defamation by spoken words.

Statute: Law enacted by the legislative power of a country or state.

Tort: Legal inquiry or wrong committed upon the person or property of another independent of contract.

Trespass: The unauthorized entry upon, taking or interfering with the property of another.

Whereas: A word which introduces a recital of a fact.

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